REMARKS

Overview

Claims 1-2, 6-10, 12-13 and 16-17 are currently pending in this application. Claims 3-5, 11 and 14 are cancelled. Claims 1, 6, 10, and 12-13 have been amended and claims 16 and 17 are new. The present response is an earnest effort to place all claims in proper form for immediate allowance. Reconsideration and passage to issuance is therefore respectfully requested.

Claim Rejections

Claim 1 as amended incorporates the structure of previous claim 5 which was indicated by the Examiner to be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112. Claim 1 has been amended to require that the card "overlays" the first and second surfaces of the package. This is believed to comply with the Examiner's requirement. Furthermore, as explained above, all of the limitations of claim 5 which were indicated to be allowable have been incorporated into claim 1. Accordingly claim 1 is believed to be patentable in view of the cited art and in view of the Examiner's comments. Claims 2 and 6-9 depend from claim 1 and are patentable for the reasons set forth as to that claim.

Claim 10 has been amended to incorporate all of the limitations of previous claim 11 therein. Since the Examiner indicated that claim 11 was allowable, it is believed that claim 10 is in patentable form. Applicant has also clarified claim 10 by requiring that the card overlays the first and second flat surfaces of the package. Therefore, claim 10 is now believed to be patentable.

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Claim 12 has been amended to depend from claim 10 and is allowable for the reasons set forth as to that claim.

Claim 13 has been amended to delete the word "dental" which the Examiner pointed out did not have antecedent support.

New Claims

Claim 16 is a new claim which is patentable in view of the cited art. Claim 16 requires a toothbrush within the package cavity including " a bristle, a shank, and a base". The package walls are also required to comprise "a bristle portion, a shank portion, and a base portion shaped to conform to the bristle, shank, and base of the toothbrush". It is believed that these limitations distinguish over the lunch box prior art cited by the Examiner in the Haarlander patent, the Coney patent, and referred to in the Licata patent. None of these references disclose a package wall comprising a bristle portion, a shank portion and a base portion "shaped to conform to the bristle, shank, and base of the toothbrush." Applicant's device is an entirely different type of device from the lunch boxes shown in the prior art. It is a package for marketing and displaying a toothbrush whereas the lunch boxes are not related in any way to this type of device. It is believed that the above limitation distinguishes claim 16 over the prior art and accordingly claim 16 should be allowed.

Claim 17 depends from claim 16 and requires both the first flat surface of the package and toothbrush to "engage a second flat surface of the business card opposite from the first flat surface of the business card." Nowhere in the prior art is there shown anything that could be construed as providing a toothbrush which contacts the business card held in the pouch. Accordingly, claim 17 defines further patentable features over the prior art.

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Conclusion

In view of the foregoing, Applicant respectfully requests that a Notice of Allowance be issued. If prosecution of the present application can be facilitated by a telephone interview, Applicant respectfully invites the Examiner to telephone Applicant's attorney at the below identified number.

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted. and charge any additional fees to Deposit Account No. 26-0084.

Respectfully submitted,

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